

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IRWIN FRANCHISE CAPITAL CORPORATION,

Plaintiff,

-against-

WINDRAM ENTERPRISES, INC.,

Defendant.
-----X

07 Civ. 3785 (WCC)

**AFFIRMATION
OF SERVICE**

James Klatsky, an attorney admitted to practice law before this Court, affirms the truth of the following under the penalties of perjury: I am over the age of eighteen, am not a party to this action, and reside in Merrick, New York. On September 11, 2007 I served the Notice of Motion dated September 10, 2007 and supporting papers and Plaintiff's Memorandum of Law of Law in Support of Motion to Dismiss Counterclaims in on the following by Federal Express overnight delivery:

Mackiewicz & Associates
Attorneys for Defendant
625 Washington Street
Hoboken, New Jersey 07030

On September 11, 2007 the undersigned applied for an ECF login and password, which was not received until September 17, 2007.

Dated: New York, New York
September 11, 2007

s/
James Klatsky